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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ricardo MARTINEZ-Valdez** Defendant.	Magistrate Case No. '08 MJ 0193 BY: DEPUTY COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **December 02, 2007**, within the Southern District of California, defendant, **Ricardo MARTINEZ-Valdez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT,
Gregory M. Harrison, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd** DAY OF **January 2008.**

UNITED STATES MAGISTRATE JUDGE

JRMF

CONTINUATION OF COMPLAINT:
NAME: MARTINEZ-Valdez, Ricardo

PROBABLE CAUSE STATEMENT

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

The defendant identified as Ricardo MARTINEZ-Valdez was arrested for violation of Penal Code 3056 "VIOLATION OF PAROLE", booked into county jail and referred to Centinela State Prison in order to finish his term. On Sunday, December 02, 2007, Deportation Officer Christopher Salgado conducted an interview with the defendant, identified him as a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release. On Tuesday, January 22, 2008, at approximately 8:00 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory M. Harrison reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen and national of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about August 19, 1992 and removed to Mexico via the Calexico Port of Entry. Furthermore, that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about November 01, 2004 and removed to Mexico via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Ricardo MARTINEZ-Valdez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Ricardo MARTINEZ-Valdez has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.